



# RULES OF CONDUCT FOR LAW ENFORCEMENT

## Directive 5 - 100

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### I. PURPOSE

The purpose of this Directive is to establish and promulgate rules of conduct for all Police Officers of the Department of General Services Maryland Capitol Police (DGS-MCP).

### II. AUTHORITY

- A. The Secretary of the Department of General Services, or his designee, shall have the power to make any rules necessary to promote the effective and efficient performance of the DGS-MCP.
- B. To the extent that these rules are inconsistent with, or in conflict with, any provision of State Personnel and Pensions Article, Annotated Code of Maryland, or the rules and regulations of the Department of Budget and Management as they apply to state personnel system Police Officers, or any other applicable provisions of state law, the latter shall prevail.

### III. POLICY

- A. It is the policy of the DGS-MCP that all Police Officers shall comply with the rules of conduct as herein stated, with the additions and amendments to these rules that may be promulgated and with all other orders, directives, and regulations either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, regulation, or lawful order, whether written or verbal, subjects the violator to disciplinary action.
- B. Ignorance of the rules, procedures, regulations and orders governing DGS-MCP Police Officers is not justification for any such violation. Police Officers shall be responsible for their own acts and may not transfer to others their responsibility for executing or failing to execute any lawful order or police duty.

### IV. RULES OF CONDUCT

- A. Police officers shall obey all Rules of Conduct. Generally, it is intended that all administrative charges preferred by a commander, be based on the Rules of Conduct as herein stated. Commanders may prefer charges from other areas of the Departmental Rules and Regulations when deviation from the Rules of Conduct would be more practical. The Rules of Conduct are:
  - 1. Courtesy
    - a. A Police Officer shall courteously and promptly accept any

allegation or complaint made by a citizen against any employee of the DGS-MCP. The receipt and processing of all complaints shall be in conformance with established Department procedures.

- b. Police Officers shall be courteous to the public and to fellow DGS employees. They shall be tactful in the performance of their duties, shall control their temper and exercise utmost patience and discretion. They shall not engage in argumentative discussions, even in the face of extreme provocation. While on duty or in the performance of their duties, they shall not use coarse, violent, profane, or obscene language or gestures toward the public or fellow Police Officers. They shall not express any prejudice or use language which is insulting or demeaning to the public or fellow Police Officers concerning race, sex, religion, politics, national origin, lifestyle, mental or physical disabilities or other personal characteristics.
- c. Police Officers will at all times show respect for their fellow officers and will conform to the rules of military courtesy and military discipline as prescribed by the Chief of Police.

## 2. Unbecoming Conduct

- a. A Police Officer shall conduct themselves at all times, both on and off duty, in a manner which reflects most favorably on the DGS-MCP. The phrase “reflects most favorably” pertains to the perceptions of both citizens and other DGS-MCP Police Officers. Conduct unbecoming of a Police Officer shall include that which tends to bring DGS-MCP into disrepute, or reflects discredit upon the employee as a representative of the DGS-MCP, or that which tends to impair the operation or efficiency of DGS-MCP or the employee.
- b. A commander or supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.
- c. A Police Officer shall not maliciously threaten, strike, or assault any other employee.

3. Insubordination

- a. Insubordination is considered to be a serious breakdown in discipline and order within an agency. Therefore, any Police Officer who is insubordinate towards a superior is subject to disciplinary action that could lead to termination of employment.
- b. Insubordination includes the following:
  - (1) Insolent or abusive language or acts toward a supervisory officer or other member designated to command;
  - (2) The failure or deliberate refusal to obey a lawful order given by such officer or member designated to command; or
  - (3) Maliciously ridiculing the orders of a member designated to command or supervisory officer, whether in their presence or not.
  - (4) Police officers will not, at any time, be disrespectful to a superior.
- c. Police Officers shall, unless otherwise directed by competent authority, transact all official business with Police Officers senior in rank or classification only through the official chain of command.
- d. Police Officers shall promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is any order, either verbal or written, which a Police Officer should reasonably believe to be in keeping with the performance of their duties or the responsibilities of their post.
- e. Police Officers will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee, without adequate justification, will intentionally issue an order that is contrary to an order issued by a superior. Police Officers to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.
- f. Any order may be countermanded in an emergency. Police Officers countermanding a prior order will immediately report the reason for his action to his commanding officer. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains that of the person taking such action.
- g. At the scene of any incident, the assigned Police Officer shall be in charge until relieved at the direction of another police employee senior in rank.

4. Criticism - Police officers shall not criticize or ridicule the DGS-MCP, or any other state agency, the Maryland Judiciary, or any other police department and/or member, their policies, or their officers by speech, in writing, or by expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a

reckless disregard for truthfulness, or tends to undermine the operation of DGS-MCP, other police department, other state agency, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

5. Abuse of Position

- a. While deprived of police powers, sworn Police Officers will not wear the uniform and will not represent themselves in an official capacity as a DGS-MCP employee with police powers.
- b. Police Officers are prohibited from using their official position, official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to them, or to avoid consequences of illegal acts. A Police Officer may not lend their identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief of Police.
- c. A Police Officer shall not permit or authorize the use of their name, photograph, or official title identifying them as a police officer of the DGS-MCP in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief of Police.
- d. A police officer shall not sign a petition, without the authority of the Chief of Police when their signature identifies them as a police officer of the DGS-MCP; nor shall any police officer sign any petition which has an unlawful purpose. However, any police officer may sign a lawful petition as a private citizen.
- e. A police officer shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of DGS-MCP, either in an official or unofficial capacity without first having obtained permission from the Chief of Police.

6. Associations

- a. A Police Officer shall avoid associations or dealings with persons whom they know, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior.

*(The purpose of this rule is to maintain the integrity of the Police Officer and to avoid relationships which would tend to impair the operation of the Department. In each case the superior will be mindful of the need for such persons to be rehabilitated; of the fact that such persons already may have been rehabilitated at*

*the time that the association occurs, and of the necessity for some associations because of the relationship of the employee to such person).*

- b. A Police Officer shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.
  - c. A Police Officer of DGS-MCP shall not in any manner affiliate themselves with any organization, association, movement, group or combination of persons which advocates the overthrow of the Government of the United States or any state, or which as adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means.
7. Immoral Conduct – Police Officers shall maintain a level of conduct in their personal affairs which is in keeping with the highest standards of the law enforcement profession. No Police Officer shall be a participant in any incident which compromises or has the potential to compromise their ability to perform as a law enforcement officer or as a police officer of the DGS-MCP, or causes the Department to be brought into disrepute.
  8. Conformance to Laws - Police Officers shall not violate his/her oath of office and trust or any other condition of his employment with the State of Maryland or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, public local laws, ordinances, or civil violations. Any Police Officer who has been charged with a violation of any law, statute, or public local law or ordinance stipulated in this section must report the facts concerning such violation immediately to his commanding officer. Parking and red light camera violations, except when they are issued to a Department vehicle, are exempted from this subsection.
  9. Payment of Debts - Police Officers shall make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when:
    - a. Judgments of creditors have been finally adjudicated and the employee, even though able to pay, has refused to comply with such judgment; or
    - b. The effects of such indebtedness have adversely affected the ability of the employee to perform his/her job or have negatively reflected on the reputation or effectiveness of DGS-MCP.  
*(Absent extenuating circumstances, disciplinary action shall be inappropriate where the employee has made a genuine and sincere effort to pay his debts or the employee has filed for a voluntary bankruptcy petition.)*

10. Seeking or Accepting Gifts, Gratuities/Bribes
  - a. A Police Officer shall not solicit, seek, or accept any gift or gratuity, including food or drink for himself/herself or another from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence his official conduct as a Police Officer.
  - b. A Police Officer shall not receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of their official duties, or for their failure to perform official duties, except as directed by the Chief of Police. They shall immediately report to his supervisor any offer, or attempt to offer, of money, gift, or other gratuity made in an effort to influence their official conduct as a Police Officer.
  - c. Police Officers of DGS-MCP shall not solicit or accept any subscription or contribution for any purpose whatsoever except in conformance with DGS-MCP policy.
11. Labor Activities - A Police Officer shall not engage in any strike or job action. Strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, sickness, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, and other terms and conditions of employment, rights, privileges, or obligations of employment.
12. Secondary Employment - A Police Officer shall not be employed in any capacity in any other business, trade, occupation, or profession, while employed by the DGS-MCP except as established by DGS-MCP policy and approved by the Chief of Police.
13. DGS-MCP Communications
  - a. Police Officers shall submit all reports, both verbal and written, required by DGS-MCP, on time and in accordance with established procedures. All official business transacted by DGS-MCP must be processed through official channels.
  - b. A Police Officer shall, upon order of competent authority, submit a written and/or oral statement detailing the facts concerning his involvement in an incident being investigated where the incident is related specifically, directly, and narrowly to the performance of his official duties.
  - c. Whenever a Police Officer is ordered to submit a detailed report or provide an oral statement concerning an incident in which they are alleged to have been involved

and if the authority ordering the report knows or should have known that the report is likely to contain information which may be used as evidence against the employee in a disciplinary hearing, then the authority ordering the report will, at the time of such order; provide the member with a copy of Form 178, Notification of Complaint-Waiver of Rights. The form shall clearly state that the recipient is the subject of an investigation, and briefly describe the nature of the investigation. These criteria do not apply to the submission of procedural reports required by DGS-MCP standard operating procedure, rule or policy. The original form 178 will be attached to the report of investigation concerning the incident.

- d. A Police Officer shall report, without delay, to their superior all information that comes to his attention concerning organized crime, racketeering, vice conditions, etc.
- e. All reports submitted by Police Officers will be truthful; no Police Officer shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.
- f. All reports submitted by Police Officers will be complete and will not contain improper or inaccurate information. Inaccurate or improper information may be characterized by that which is untrue by mistake or accident or made in good faith, after the exercise of reasonable care.
- g. Police Officers shall treat the official business of the DGS-MCP as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established DGS-MCP procedures. A Police Officer may remove or copy official records or reports from a police installation only in accordance with established DGS-MCP procedures. A Police Officer shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.
- h. The content of material labeled "Draft" or "Confidential" must be treated with the utmost sensitivity, as items of this nature may differ significantly when finalized. Only those Police Officers officially directed under competent authority to review, discuss, or have input into draft and confidential material may divulge the content of said material and then only to police employees specifically authorized by official directive.

- i. DGS-MCP telephone service is for official business. Personal calls will be kept to a minimum and will be brief. Police Officers will not use state telephones to make long distance telephone calls of a personal nature unless a bona fide emergency exists and the officer has been given permission from the on-duty supervisor.
- j. Users of DGS-MCP computer equipment will access only those files that they are authorized to access and shall perform only those operations they are authorized to perform. Police Officers may not copy or remove any system or application software or manual without the consent of the information technology division. When using the internet, all police officers will adhere to the provisions of established policy. The use of unauthorized PC software is strictly prohibited.

14. Interrogations/Interviews

- a. During any administrative investigation a Police Officer shall, at the direction of competent authority, submit to an interrogation, interview, or polygraph examination. The questions to be asked during the interrogation, interview, or polygraph examination will be related specifically, directly, and narrowly to the performance of employee's official duties and to the subject matter of the current investigation.
- b. On the order of competent authority, a Police Officer shall submit to any medical, chemical, or other test, photographs, or lineups. All procedures carried out under this rule shall be specifically, directly, and narrowly related to the nature and scope of the employee's employment and conduct.
- c. When questioned about a matter currently under investigation, a Police Officer will not knowingly provide misinformation or make a statement, oral or written, that is untruthful, false, fictitious or misrepresents the facts.

15. Reporting For Duty

- a. Police Officers of DGS-MCP shall not absent themselves without properly approved leave.
- b. Police Officers shall report for duty at the time and place specified by his superior and shall be physically and mentally fit to perform his duty. He/she shall be properly equipped and cognizant of information required for the proper performance of duty so that he may immediately assume his duties.
- c. Every employee shall log or have logged for them on the appropriate form the time their tour of duty began and ended. (Timesheets)

- d. If a Police Officer of DGS-MCP is unable to report for duty due to sickness or other causes, such employee shall, as soon as possible, make notification in conformance with established policy.
- e. A Police Officer shall not feign illness or injury, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.
- f. All Police Officers will report any change of name, home address, or telephone number within three working days of such change.
- g. All Police Officers are “Emergency Essential Employees”. As such, their duties are considered essential and they are required to report to work or remain at the work site during emergency conditions in accordance with established DGS-MCP policy and procedures.
- h. Police Officers, while off duty, shall be subject to call at all times. In the event of an emergency, potential emergency, or weather related emergency, police employees will notify their Detachment Commander or designee of their location and telephone number where they can be contacted.

16. Interference with Duty

- a. Police Officers shall not attempt to bring influence to bear on the Chief of Police for the purpose of securing promotion or transfer, or to avoid penalties for violations of the Department’s policies, rules, procedures or orders.
- b. Police Officers shall not interfere with cases assigned to other police employees for investigation without consent, except by order of a superior officer; nor shall they interfere with the operation of a bureau, division, section, or unit. A Police Officer shall not interfere with any lawful arrest or any prosecution brought by other police DGS-MCP or by any other agency or person. A Police Officer shall not undertake any investigation or other police action not a part of their regular police duties without first obtaining permission from their superior unless they can justify the need for their immediate intervention.
- c. A Police Officer of the Department shall not be directly or indirectly involved with making arrangements, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any employee having knowledge of such an arrangement, agreement, or compromise shall report such to his immediate superior, without delay.

- d. A Police Officer of this Department shall not reveal the identity of a police officers assigned to plain clothes or covert investigative work. An employee shall not recognize such Police Officers unless such other member salutes or acknowledges them first.
- 17. Tampering/Manufacturing and Withholding Evidence and False Criminal Charges - A Police Officer shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.
- 18. Evidence/Found and Recovered Property - Property which has been received as evidence in connection with investigations or which for any other reason, comes into the custody of this Department, will be processed in accordance with established procedures. A Police Officer shall not convert to his/her own use, manufacture, tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Department procedures.
- 19. Suggestions Pertaining to Services - A Police Officer shall not recommend or suggest in any manner, except in the transaction of personal business and then representing himself only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing service is unable or unwilling to procure it, the police officer shall proceed as a law enforcement officer in accordance with Department procedure.
- 20. Requests for Assistance
  - a. When the public requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established DGS-MCP procedures.
  - b. Police Officers of the Department shall not act in an official capacity, without authority, in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance.
- 21. Identification
  - a. During the times that a police officer is not readily identified by the uniform of the DGS-MCP, they shall carry their badge or identification card on their person. They shall furnish their name, identification number and assignment to any person properly entitled to this information, at any time except when authorized not to do so by proper authority and when such refusal may be necessary for the proper performance of their police duties.

- b. When a Police Officer makes a traffic stop or makes an arrest while in plainclothes, they shall identify themselves to the violator and display their badge and identification card.
22. Personal Appearance –Police Officers will maintain a neat, well-groomed appearance and will style their hair and wear their uniform consistent with established DGS-MCP policy and procedures.
23. Neglect of Duty
- a. Police Officers shall be punctual in attendance to all calls, requirements of duty, court appointments and other assignments.
  - b. A Police Officer will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him to neglect or be inattentive to that duty.
  - c. Supervisors will actively oversee the performance of Police Officers to ensure compliance with all DGS-MCP policies and procedures.
  - d. The failure of a Police Officer to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police or Department administrative attention is considered neglect of duty.
  - e. A Police Officer will not, without proper authorization, absent himself/herself from their assigned place of work during their tour of duty.
  - f. A Police Officer will remain awake and alert while they are on duty. If unable to do so, they will report to their superior officer, who will determine the proper course of action.
  - g. A Police Officer may be authorized to suspend patrol or other assigned activity, subject to immediate recall at all times, for the purpose of having meals during their tour of duty.
24. Alcohol/Drugs/Tobacco
- a. A Police Officer will not drink intoxicating beverages while in uniform or while on duty.
  - b. A police employee will not report to work with any level of alcohol in their system.
  - c. No employee of the DGS-MCP will bring any intoxicating beverage into any building owned, leased, or occupied by the DGS-MCP, nor will DGS-MCP permit the same to be brought therein, except as evidence.

- d. Smoking on state property will be done in designated areas only. Police Officers will not smoke in any area prohibited by law, regulation, or official directive.
  - e. Smoking is prohibited in any state owned or leased vehicles, or within any state owned, leased or occupied building.
25. Use of Drugs - A Police Officer will not use any controlled substance, narcotic, or hallucinogen, except in conformance with established policy. Employees will comply with Executive Order 01.01.1991.16 and any other subsequent order.
26. Treatment of Persons in Custody
- a. Police Officers will not mistreat persons who are in his custody. They will handle persons in accordance with established procedures.
  - b. A police employee of the Department will not, without proper authority, release any prisoner in his charge or, through negligence or design, allow any prisoner in their charge to escape.
27. Use of Force - A Police Officer, acting in their official capacity, will not use unnecessary or excessive force. Police Officers will employ the minimum amount of force necessary to affect an arrest and overcome any resistance offered.
28. Firearms - Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to DGS-MCP policy or Maryland criminal law.
29. DGS-MCP Equipment
- a. DGS-MCP equipment will be used and maintained in accordance with established DGS-MCP procedures and will not be abused, damaged, altered, or through negligence, lost. Police Officers of the DGS-MCP will not cause or contribute to the damage, abuse, alteration, or loss of any DGS-MCP equipment through negligence or carelessness. A police officers may not convert to their own use or in any way misappropriate DGS-MCP equipment/property.
  - b. A Police Officer will operate an official vehicle in a careful and prudent manner, and will not through negligence or reckless operation incur or cause damage to be incurred to DGS-MCP property or to the property of another. They will obey all laws of the State of Maryland and all local ordinances, and conform to all DGS-MCP procedures and regulations pertaining to operation and maintenance of any DGS-MCP vehicle assigned to them on a permanent or temporary basis.

- c. Damage to or loss of DGS-MCP equipment will be reported in conformance with established procedure.
  - d. A Police Officer will not have any item of DGS-MCP equipment repaired, adjusted, or modified without official authorization.
  - e. Only police officers will be permitted to operate or attempt to operate any Department-owned vehicle, or use any DGS-MCP issued firearm, or use any other item of property owned by the DGS-MCP; however, specific exceptions to this rule may be authorized by the Chief of Police.
30. Incompetence - Police Officers shall be held strictly responsible for the proper performance of duties. Police Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of positions. Police Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.
31. Sexual Behavior - Police Officers will not engage in any sexual behavior while on duty. While off duty Police Officers will not engage in any sexual behavior in a state facility or state vehicle. Sexual behavior is defined as any sexual act, sexual contact, or vaginal intercourse as defined in the Annotated Code of Maryland.
32. Unauthorized use of MILES, NCIC, or CJIS systems - Police Officers are prohibited from using or assisting in the use of the MILES, NCIC, or CJIS systems for personal reasons or for any purposes other than those authorized by DGS-MCP policy.
33. Citizen Contact
- a. A Police Officer, in the course of performing law enforcement functions, shall not solicit, for personal benefit, personal information from the citizenry or provide personal information of themselves, which could reasonably be construed as using their position as a police employee for personal benefit or personal reasons.
  - b. During officer-violator contact a police officer will not solicit personal information from the violator and/or provide similar information for any reason other than that which would reasonably be required for law enforcement purposes.
34. Discrimination/Harassment/Retaliation
- a. Police Officers will not engage in any form of discrimination. Acts of discrimination may include but are not limited to favoritism, prejudice, preference, or intolerance based upon sex, ancestry, citizenship, color, creed, marital status, mental or physical disability, national origin, pregnancy, race, religious affiliation,

belief, or opinion, sex or sexual orientation, or union membership in the work place.

- b. Police Officers will not engage in any form of harassment. Harassment is to disturb or irritate persistently. It may include but is not limited to hound, badger, bother, pester, plague, bait, torment, etc.
- c. Police Officers will not take action against another employee citizenship, color, creed, marital status, mental or physical disability, because he has opposed any unlawful employment practice or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.

35. Race-Based Profiles

- a. It is the policy of the DGS-MCP that any assemblage of general characteristics of persons engaged in any violation of the law shall not include the race of any person as one of those characteristics. Race is not a predictor of criminal activity. Race legally cannot and will not be a factor for the development of policies for stopping, detaining or searching motorists on Maryland roadways.
- b. Police Officers shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
- c. Police Officers will not participate in the use of any unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group of individuals.
- d. Nothing in this policy statement precludes officers from relying upon race as a part of a description where a specific suspect is sought.